

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: Diagnosing Predisposition of Fat Deposition and Associated Conditions	
Attorney Docket No.: SEQ-4031-UT	

**COMMUNICATION REGARDING SUBMISSION OF PREVIOUSLY FILED  
PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181(a)**

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**VIA FACSIMILE: 703-872-9306**

Sir:

The undersigned attorney requests that the Petition Division consider the submission of the attached documents retroactive to the date of December 6, 2004 or December 7, 2004, when they were filed with the Office by facsimile. The reason for the request for retroactive acceptance is as follows.

On December 6, 2004, the attached Petition to Withdraw Holding of Abandonment and supporting documents were filed by facsimile at (703) 872-9306. When the confirmation report was received, it was determined the number of pages listed as transmitted did not match the number of pages in the filing. Immediately following receipt of this report, the documents were filed again via facsimile on December 7, 2004.

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Attached is a copy of the filing on December 6, 2004 and December 7, 2004, and a copy of each confirmation report is attached to the end of the filing. The confirmation report at the very end of the attachment shows all 26 pages were received by the Office on December 7, 2004.

Applicants respectfully request that the Abandonment be withdrawn under 37 C.F.R. § 1.181(a) in accordance with the attached Petition.

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. However if the Patent Office determines that an extension and/or other relief is required, the undersigned attorney petitions that the Office contact him immediately at (858) 623-9470.

Respectfully submitted,

By 

Bruce D. Grant

Reg. No. 47,608

Telephone No.: 858 623-9470

Facsimile No.: 858 623-9476

Email: [bruce@biotechnologylawgroup.com](mailto:bruce@biotechnologylawgroup.com)CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:

The undersigned hereby certifies that this correspondence is being transmitted to facsimile no.: (703) 872-9306 at Mail Stop: Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: JUNE 24, 2005

Typed Name: Bruce D. Grant

Signature: 

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: DIAGNOSING PREDISPOSITION OF FAT DEPOSITION AND ASSOCIATED CONDITIONS	
Attorney Docket No.: SEQ-4031-UT	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003.

Applicants respectfully request that the Office withdraw the holding of abandonment as the Notice to File Missing Parts never was received, as described in further detail hereafter.

Attorney Docket No.: SEQ-4031-UT

**REMARKS**

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution. Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

Attorney Docket No.: SEQ-4031-UT

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

I hereby certify that this correspondence is being transmitted to the USPTO via facsimile at (703) 872-9306.

Date of Deposit: December 7, 2004

Typed Name: Bruce D. Grant

Signature: 

Respectfully submitted,

By 

Bruce D. Grant  
Reg. No. 47,608  
BioTechnology Law Group  
658 Marsolan Avenue  
Solana Beach, California 92075  
Telephone No.: 858 623-9470  
Facsimile No.: 858 623-9476

Monday, November 24, 2003

MORRISON & FOERSTER LLP  
Morrison & Foerster Actions Due Docket

Term	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Issue	Sub Status	Billing	Work	Assg	Assg	Notes/Office
<b>Monday, November 24, 2003</b>													
11/24/2003	11/24/2003	1-0A Resp Filed		21800-20263.47	China P.R.	998071528 5/21/1989 Filed	Client Pays MF/Am	KHM1 KHM1 JLM3					SD San Diego
HETEROCYCLIC COMPOUNDS AND METHODS TO TREAT CARDIAC FAILURE AND OTHER DISORDER													
PTAR 11/24/2003		Miss Parts Mat Date		21900-20297.00	United States	10654.840 9/22/2003 Filed		KHM1 CAF2					SD San Diego
INDOLE-TYPE DERIVATIVES AS INHIBITORS OF P38 KINASE													
PTAR 11/24/2003		IDS Due		22000-20662.01	United States	10705.791 11/10/2003 Filed		GPE2 GPE2					SD San Diego
A METHOD FOR INHIBITION OF PHOSPHOLAMBAN ACTIVITY FOR THE TREATMENT OF CARDIAC DISE													
11/24/2003		Annulity Ntc Abandon		27801-20015.42	Canada	2423658 9/26/2001 Filed		KHM1 JLM3					SD San Diego
METHODS AND COMPOSITIONS FOR ENHANCING ANGIOGENESIS													
11/24/2003		Annulity Ntc Abandon		27801-20017.42	Canada	2423675 9/26/2001 Filed		KHM1 JLM3					SD San Diego
METHODS FOR DETECTING VASCULOPATHIES AND TUMORS													
11/24/2003	12/22/2003	1-0A Resp Filed		27801-20030.42	Canada	2127296 1/11/1993 Inactive	Transferred	KHM1 JLM3					SD San Diego
PEPTIDE LINKAGE UNIT COMPRISING METHYLENE PHOSPHONIC ACID													
11/24/2003		File Div/Can Appln?		29500-20030.06	United States	09/733,741 12/6/2000 Granted	Allowed	KHM1 KHM1					SD San Diego
PER CLIENT'S 10/27/2003 EMAIL, CLIENT DOES NOT WISH TO FILE DI FOLLICLE STIMULATING HORMONE-GLYCOSYLATION ANALOGS													
11/24/2003	11/24/2003	1-0A Resp Filed		29500-20050.48	China P.R.	951907492 8/11/1995 Filed		KHM1 KHM1					SD San Diego
3) TDD OF 11/24/2003 IS NOT EXTENDABLE: SINGLE-CHAIN FORMS OF THE GLYCOPROTEIN HORMONE QUARTET													
11/24/2003	11/20/2003	1-0A Resp Due		31177-20005.47	Iran Patent Come	999549844 12/31/1998 Inactive	Abandoned	GHM1 KR21					SD San Diego
2) DD OF 12/22/2003 (W/10-DAY GRACE) IS NOT EXTENDABLE: PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE													

EXHIBIT A

Monday, November 24, 2003

MORRISON & FOERSTER LLP  
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Item	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	W/ctg	Assg	Assg2	MoFo Office
11/24/2003	Ltr Patent Rcvd			31177-20006.48	South Africa	20018251	32/02/2000	Granted	GHM1	KRZ1			SD San Diego
METHODS OF TREATING SCHIZOPHRENIA													
PTAR 11/24/2003	Miss Parts Mail Date			31276-20003.00	United States	10655.607	9/2/2003	Filed	KHM1	KRM1			SD San Diego
HOMOCYSTEINE ASSAY ADAPTABLE TO SCREENING													
PTAR 11/24/2003	Suppl. IDS Filed	11/20/2003		36559-20002.00	United States	10042.766	1/8/2002	Filed	LAA2	KCM1			SD San Diego
SRCH REPT ISSUED 8/20/2003:													
SYSTEMS AND METHODS FOR EVALUATING PATIENT-SPECIFIC INFORMATION AND PROVIDING													
PTAR 11/24/2003	Miss Parts Mail Date			38109-20006.22	United States	10655.393	8/2/2003	Filed	KHM1	KCM1			SD San Diego
PREFERENTIALLY SUBSTITUTED CALCIUM CHANNEL BLOCKERS													
11/24/2003	Annuity Due	11/24/2003		39144-20003.54	Japan	2404955	12/21/1990	Granted	Client Pays MF/Ann	KHM1	KCM1		SD San Diego
LINKED CYCLIC POLYAMINES ACTIVE AGAINST HIV													
11/24/2003	1-OA Resp Filed	11/28/2003		39144-20029.56	Hungary	9601918	7/12/1996	Filed	Client Pays MF/Ann	KHM1	CAF2		SD San Diego
N,N-DIETHYL-8-8-DIPROPYL-2-AZASPIRO[4.5]DECANE-2-PROPANAMINE DIALLEATE SALT													
REQ 2 MONTH EOT ON 9/24/2003:													
11/24/2003	Chapter 2 Demand Due	11/24/2003		43272-20003.40	enl Cooperation Tr	PCT/US03	4/24/2003	Filed	KHM1	KCM1			SD San Diego
PER CLIENTS INSTRUCTIONS DATED 10/17/2003 THEY DO NOT WISH IDENTIFICATION OF COMPOUNDS WHICH STIMULATE BONE FORMATION USING A CELL-BASED													
PTAR 11/24/2003	Restrt'd Resp Filed	1/24/2004		46399-20002.21	United States	10043.787	1/10/2002	Filed	KHM1	PXC5			SD San Diego
METHODS AND COMPOSITIONS FOR ASSAYING HOMOCYSTEINE													
11/24/2003	Published ?			47541-20008.00	United States	10155.935	5/24/2002	Inactive	Transfaced	LAA2	LAA2		SD San Diego
IS6110 BASED DIRECT MOLECULAR DETECTION OF MYCOBACTERIUM TUBERCULOSIS													

Monday, November 24, 2003

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Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Wedge	Assess	Ass'd	Mail Office
PTAR 11/24/2003	Published ?			47541-20012.00	United States	10/15/99 5/24/2002	Inactive	Transferred	KHM1	LAA2			SD San Diego
COMPOSITIONS AND METHODS FOR PERFORMING HYBRIDIZATION ASSAYS USING TARGET													
PTAR 11/24/2003	Notice Allow Mail Date			47544-20012.10	United States	09/05/99 3/13/2001	Filed	Allowed	GPE2	GPE2			SD San Diego
METHOD FOR IDENTIFYING MICROBIAL PROLIFERATION GENES													
11/24/2003	1-0A Resp Filed			51158-20026.43	per Patent Canv	898517.402	9/30/1989	Inactive	Abandoned	KHM1	JAM3		SD San Diego
2) DEADLINE INCLUDES 10 DAY GRACE PERIOD.													
PTANS: TESTS-SPECIFIC PROTEINS EXPRESSED IN PROSTATE CANCER													
11/24/2003	Published ?			52401-20004.40	ent Cooperation In	PCT/CH02	9/18/2002	Filed	Monitoring Case	KHM1	PXC5		SD San Diego
METHODS AND COMPOSITIONS USING NEUREGULIN FOR REDUCING CARDIOTOXICITY OF													
11/24/2003	Published ?			52401-20005.40	ent Cooperation In	PCT/CH02	5/24/2002	Filed	Monitoring Case	KHM1	PXC5		SD San Diego
THE EFFECT AND APPLICATION OF NEUREGULIN IN REDUCING THE CARDIAC TOXICITY INDUCED													
PTAR 11/24/2003	Assignment Filed			52431-20007.00	United States	10/3/89 2/28/2003	Filed		KHM1	CAF2			SD San Diego
NUCLEOSIDE 5-MONOPHOSPHATE ANALOGS AND THEIR PRODRUGS													
11/24/2003	IPER Due			52441-20004.46	South Africa	20022277	10/25/2000	Filed	Allowed	KHM1	KHM1		SD San Diego
MICROBE, MICROBIAL EXOPOLYSACCHARIDE AND USES THEREOF													
PTAR 11/24/2003	Published ?			52459-20033.00	United States	10/21/99 8/8/2002	Filed		KHM1	RCK2			SD San Diego
METHOD AND SYSTEM FOR PURCHASING GENETIC DATA													
11/24/2003	Published ?			52459-20033.40	ent Cooperation In	PCT/US03	5/20/2003	Filed	KHM1	RCK2			SD San Diego
METHOD AND SYSTEM FOR PURCHASING GENETIC DATA													



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Term	Action Due	Deadline	Action	Who	Opinion Mail Date	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Work	Assg	Assg	Mail Office
11/24/2003						53251-20007.40	and Cooperation In	PC/TN/SD/3/26/2003	Filed		KHM1	KHM1			SD San Diego
						PARAMAGNETIC PARTICLES THAT PROVIDE IMPROVED RELAXIVITY									
11/24/2003	2/24/2004	Appeal brief - 2 month extensi				53273-20002.00	United States	08/072.527	6/11/1997	Filed	KHM1	PXC5			SD San Diego
			2. FILED RCE ON 11/24/2003.												
11/24/2003			Request Continued Exam			53273-20002.00	United States	08/072.527	6/11/1997	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003			Supl And Filed			53273-20002.00	United States	08/072.527	6/11/1997	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003			Declaration Filed			53273-20002.00	United States	08/072.527	6/11/1997	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003			Declaration Filed			53273-20002.01	United States	09/216.062	12/18/1998	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003			Request Continued Exam			53273-20002.01	United States	09/216.062	12/18/1998	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003			Supl And Filed			53273-20002.01	United States	09/216.062	12/18/1998	Filed	KHM1	PXC5			SD San Diego
						CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION									
11/24/2003	4/23/2004	Power of Attorney filed				54916-20001.64	South Africa	20033138	10/29/2001	Filed	KHM1	KHM1			SD San Diego
						NOVEL GLYCOSATE N-ACETYL TRANSFERASE (GAT) GENES									

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Term	Action Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Work	Ass't	Ass't	MoFo Office
11/24/2003	1/20/2004		Dwgs Filed	54916-20003.41	Argentina	PO3010384 10/22/2003 Filed			KHM1	BDG3			SD San Diego
PER FAX DATED 10/22/2003 DWGS DUE:													
11/24/2003			Ntbl Filing Fee Pd	56446-20018.67	Brazil	PI02086517 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Translation Filed	56446-20018.67	Brazil	PI02086517 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Back Taxes Due	56446-20018.68	Canada	2441866 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Ntbl Filing Fee Pd	56446-20018.68	Canada	2441866 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Ntbl Filing Fee Pd	56446-20018.69	China P.R.	02813270 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Translation Filed	56446-20018.69	China P.R.	02813270 5/24/2002 Filed	Client Pays MFLAm		GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Ntbl Filing Fee Pd	56446-20018.72	Japan	200259246 5/24/2002 Filed			GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													
11/24/2003			Translation Filed	56446-20018.72	Japan	200259246 5/24/2002 Filed			GPE2	GPE2			SD San Diego
PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM													

Monday, November 24, 2003

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Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Action	Docket #	Country	Application #/Date	System	Sub System	Billings	Work	Case	Asst	Matr	Conting
11/24/2003	Transition Filed			56446-20018.73	South Korea	102003701 5/24/2002 Filed	GP2	GP2	GP2	GP2			SD	San Diego
11/24/2003	Not Filing Fee Pd			56446-20018.73	South Korea	102003701 5/24/2002 Filed	GP2	GP2	GP2	GP2			SD	San Diego

PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM

PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM